

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MYCOLA PANCHISHAK,

Plaintiff,

-v-

COUNTY OF ROCKLAND and FRANCIS
McSHARAR,

Defendants.

KENNETH M. KARAS, United States District Judge:

JURY TRIAL
DEMANDED

No. 20-CV-10095 (KMK)

PRO SE PLAINTIFF'S
MOTION TO REASSIGN
(CHANGE) THE JUDGE
IN MY CASE.

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HONORABLE COURT, AND WHO
IT MAY BE CONCERNED!

I RESPECTFULLY ASK THIS COURT
TO REASSIGN A NEW JUDGE TO MY CASE.
MY REQUEST IS BASED ON FOLLO-
WING REASONS:

1) I DID FILE MY COMPLAINT IN MANHAT-
TAN'S BRANCH OF THE SOUTHERN DISTRICT
OF FEDERAL COURT... (NOT WHITE PLAINS-
THERE WAS A CHOICE...)

2) JUDGE KARAS OF WHITE PLAINS

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BRANCH:

1) AFTER MAKING HIS SEPTEMBER 27, 2021 "ORDER" DID NOT SEND OR ORDERED TO SEND ME A HARD COPY OF IT. (THERE IS NO OTHER WAY OF COMMUNICATION WITH A PRO SE PLAINTIFF, AT LEAST IN MY CASE.)

2) STRESSED ME OUT WITH HIS 11/5/21 "ORDER TO SHOW CAUSE" - WERE I WAS WRONGLY ACCUSED OF IGNORING COURTS 9/27/21 "ORDER" (WHICH I'VE NEVER GOT)...

3) ON 11/15/21 I'VE RECEIVED AN AMENDED JUDGE'S KARAS "ORDER, DATED 11/10/21, STATING, THAT I HAVE 30 DAYS FOR REPLY, FROM THE DATE IT WAS ISSUED 11/10/21, - NOT 11/15/21 WHEN I RECEIVED IT (CUT 5 DAYS...) LIKE PREVIOUS MISHAPS WERE MY FAULT... THIS IS QUITE A PATTERN.

4) BUT THE MOST IMPORTANT REASON FOR MY REQUEST IS THIS:

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01) IN HIS "OPINION & ORDER" JUDGE KARAS ON EVERY PAGE AND PARAGRAPH DIMINISHES, UNDERMINING AND BELITT^LING THE FRESH AND YEARS LONG FACTS, DOCUMENTS AND SUFFERINGS - PHYSICAL (ECZEMA, HIGH BLOOD PRESSURE, NOSE BLEEDS) AND EMOTIONAL (ANXIETY, INSOMNIA) OF THE PRO SE PLAINTIFF.

HE IS BLUNTLY STATING "THAT WHITE IS BLACK AND VICE VERSA, I AM SPEECHLESS.

6) HE IS REPEATEDLY INSULTING MY INTELLIGENCE ALONG THE WHOLE OF HIS "OPINION & ORDER" AND ESPECIALLY AT THE END (SEE HIS PAGES 19 & 20), WERE ACCORDING TO JUDGE KARAS IT IS:

- "THIS MISCONDUCT DOES NOT EXCEED "ALL BOUNDS USUALLY TOLERATED BY A DECENT SOCIETY..."

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SO IN HIS PERCEPTION OF "DECENT SOCIETY" IS NORMAL TO, AND WELL TOLERATED TO: SHOUT IN THE FACE OF 50 YEARS OLD, WELL RESPECTED, HARD WORKING STRAIGHT MAN (ME) (I AM SURE, THAT THE ANY HOMOSEXUAL ONE, WOULD NOT LIKE IT TOO) IN PRESENCE OF ABOUT 8 INMATES I HAVE SUPERVISED AND SPOKE AT THE TIME TO: MY FELLOW ROCKLAND COUNTY EMPLOYEE - THE MAINTENANCE MAN FRANK Mc SHARR - "QUOTATION" - "I WILL FUCK YOU IN THE ASS HOLE WITH THIS BROOM-STICK!"

I AM SORRY, BUT THIS HONORABLE JUDGE KARAS RESPONSE BROUGHT ME BACK ALL THE HORRORS - PHYSICAL (EKZEMA, NOSE BLEEDS AND HIGH BLOOD PRESSURE) AND EMOTIONAL: ANXIETY ATTACK AND INSOMNIA

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BACK. HE SUGGESTS, WELL HE IS
A CORRECTION OFFICER - THATS A
TOUGH JOB... YES IT IS... I RESPOND,
I DID SIGN UP AND GOT A LOT
OF VERBAL AND PHYSICAL HARAS-
SMING, FROM INMATES! - SPITS
IN MY FACE, ETC. WHAT I DID
NOT SIGN UP FOR, IT IS FOR
SEXUAL AND OUTRAGEOUS ASSAULT
BY FELLOW ILL TRAINED (IF ANY)
ROCKLAND COUNTY EMPLOYEES.
AND IT WAS DONE PUBLICALLY!

SO I RESPECTFULLY ASK THIS
COURT, TO REASSIGN A DIFFERENT
HONORABLE JUDGE TO MY CASE.

AND I HOPE TO GET A FAIR
TRIAL BY UNPREJUDGED JURY.

RESPECTFULLY: PRO SE PLAINTIFF
MYCOLA PANCHISHAK
17 AMUNDSEN LANE.
NEW CITY, NY 10956

No 20-CV-10095 (KMK)

TEL: (845) 709-4501

EMAIL: HEYMICKY5@YAHOO.COM.

NEW CITY ON 11/18/2021

Myeds Paulizhou A.

cc:

DEFENDANT HAS

ACCESS TO ELECTRONIC

MAIL, AND WILL GET

IT FROM IT.

The Court denies Plaintiff's motion. There is no basis on which the Plaintiff makes this motion. "This case was randomly reassigned to [the Court] under Rule 4 of the Rules for the Division of Business Among District Judges (RDB). 'As their preamble makes clear, the RDB rules are adopted for the internal management of the case load of the court and shall not be deemed to vest any rights in litigants or their attorneys.'" *Moskovits v. Fed. Republic of Brazil*, No. 21-CV-4309, 2021 WL 4263069, at *3 (S.D.N.Y. Aug. 17, 2021) (quoting *United States v. Donziger*, Nos. 19-CR-561, 11-CV-691, 2020 WL 2216556, at *4 (S.D.N.Y. May 7, 2020)); see also *United States v. Brennerman*, No. 15-CV-0070, 2017 WL 3421397, at *10 (S.D.N.Y. Aug. 8, 2017) ("First, the RDB vest no rights in litigants—they are for internal management only."). "As the Second Circuit and numerous decisions of this Court and the Eastern District of New York have held, that fact alone dooms this aspect of [Plaintiff's] motion." *Brennerman*, 2017 WL 3421397, at *10 (collecting cases); see also *Sahu v. Union Carbide Corp.*, No. 04-CV-8825, 2010 WL 532307, at *1 (S.D.N.Y. Feb. 11, 2010). Citing no authority to reassign this case, the Court must deny the motion.

The Clerk of Court is respectfully directed to terminate the pending motion, (Dkt. No. 23), and to mail a copy of this decision to Plaintiff.

Date: 12/14/2021

SO ORDERED


KENNETH M. KARAS U.S.D.J.

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